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7 Attorneys for Defendant

8 *Jaret Kyle Stern*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 HUNTER MCCANN, an individual;

12 Plaintiff,

13 v.

14 JARET, KYLE STER, DOES 1 through 100,
15 and ROE CORPORATIONS 1 through 100,
inclusive,

16 Defendant.

17 CASE NO.: 2:24-cv-00128-APG-DJA

18 **REVISED JOINT DISCOVERY PLAN AND**
(PROPOSED) SCHEDULING ORDER

19 **SPECIAL SCHEDULING REVIEW**
REQUESTED

20 The parties, by and through their counsel of record, hereby submit the following Joint
21 Discovery Plan and [Proposed] Scheduling Order pursuant to Rule 26(f)(3) and LR 26-1(d):

22 1. Initial Pleadings: The Complaint in this matter was filed on December 1, 2023, and
23 was served upon Defendant on December 18, 2023. Defendant Jaret Kyle Stern (the “Defendant”)
24 filed his Answer on January 8, 2024. On January 18, 2024, Defendant filed its Petition for Removal
25 to Federal Court Under 28 U.S.C. Section 1332 and 1441(b)(Diversity).

26 2. Meeting of Counsel Pursuant to Rule 26(f) and LR 26-1(d): The Rule 26(f)
27 conference was held on February 7, 2023. Ofelia Markarian, Esq. of the Ofelia Markarian Law
28 Group PLLC participated on behalf of HUNTER MCCANN (the “Plaintiff”) and Tania G. Bonilla,
Esq. of the law firm Wilson, Elser, Moskowitz, Edelman & Dicker LLP, participated on behalf of
JARET KYLE STERN.

1 3. Rule 26(a)(1) Disclosures: The parties shall make all disclosures required by Rule
2 26(a)(1) no later than March 1, 2024.

3 4. Discovery Scope and Limits: The parties may conduct discovery on all issues, claims
4 and defenses raised in the pleadings filed in this matter, and any other matters reasonable calculated
5 to lead to the discovery of admissible evidence. Parties propose that each party may propound a total
6 of forty (40) Requests for Production in accordance with Fed. R. Civ. P. 34, forty (40) Requests for
7 Interrogatories in accordance with Fed. R. Civ. P. 33 and forty (40) Requests for Admissions in
8 accordance with Fed. R. Civ. P. 36.

9 5. Discovery of Electronically Stored Information: The parties have discussed the
10 retention and production of electronic data. The parties consent to electronic service of any and all
11 discovery documents. Said service shall be deemed completed by sending an email with the related
12 discovery document(s) to all service addresses for counsel and counsel's staff on record with the
13 court for the above-captioned matter at the time of service. The parties further agree, when serving
14 by email, if any error or delayed delivery message is received by the sending party, the party shall
15 promptly notify the intended recipient(s) of the message and serve the pleadings or other papers by
16 other authorized means. Further, the parties agree to present evidence in electronic format to jurors
17 for the purposes of jury deliberations. The parties reserve the right to revisit this issue if a dispute or
18 need arises.

19 6. Alternative Dispute Resolutions: The parties certify that they conferred about the
20 possibility of using alternative dispute resolution processes including mediation, arbitration, and if
21 applicable, early neutral evaluation.

22 7. Issues Concerning Handling Claims of Privilege: NONE.

23 8. Reasons for Special Scheduling Review, per Local Rule 26-1(d): The parties are
24 seeking longer discovery deadlines due to the nature of the case, existence of numerous medical
25 providers, extensivity of property and personal damages, and the fact that Plaintiff is still treating.
26 Due to the facts of the case, parties will need to obtain several experts which parties anticipate will
27 need additional time to complete their investigations and expert opinions. As the parties are not
28

1 trying to inconvenience each other and each other's experts, the parties believe that the extended
2 discovery deadline benefits the case. Counsel for parties have not had any discovery disputes before
3 the court, and they are confident they can continue to cooperatively schedule the remaining
4 discovery and work with their clients to produce whatever information is deemed necessary by the
5 other side.

6 9. Discovery Cut-Off: The parties shall complete all discovery in this matter no later
7 than October 13, 2024, which is 269 days from January 18, 2024, the date on which Defendant Jaret
8 Kyle Stern appeared. Here Defendant "answered or otherwise appeared" when he filed his Petition
9 for Removal to federal court on January 18, 2024.

10 10. Deadline for Amending the Pleadings and Adding Parties: July 15, 2024.

11 11. Rule 26(a)(2) Disclosures: The parties shall disclose all expert witnesses and reports
12 required by Rule 26(a)(2) no later than August 14, 2024. The parties shall disclose all rebuttal expert
13 witnesses and reports no later than September 13, 2024.

14 12. Dispositive Motions: Dispositive motions shall be filed no later than November 12,
15 2024.

16 13. Joint Pretrial Order: The Joint Pretrial Order shall be filed no later than December 12,
17 2024, unless a dispositive motion is filed. If a dispositive motion is filed, the Joint Pretrial Order
18 will not be due until 30 days after the dispositive motion is decided.

19 14. Trial Estimate: The parties estimate the trial in this case will last approximately five
20 days.

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1 Dated this 16th day of February, 2024

2 **OFELIA MARKARIAN LAW GROUP**
3 **PPLC.**

4 */s/ Ofelia Markarian, Esq.*

5 Ofelia Markarian, Esq.
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9 *Attorneys for Plaintiff*

10 Dated this 16th day of February, 2024.

11 **WILSON, ELSE, MOSKOWITZ,**
12 **EDELMAN & DICKER LLP**

13 */s/ Tania Bonilla, Esq.*

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20 *Attorneys for Defendant*

21 **IT IS SO ORDERED.**

22 

23 **UNITED STATES MAGISTRATE JUDGE**

24 Dated: 2/20/2024